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ABSTRACT

This listener's guide introduces the first four of nine monthly programs in the American Issues Radio Forum series that were braodcast by the member stations of the National Public Radio system. These broadcasts started in September 1975 and continued to May 1976. They formed a "live" national dialogue, focusing upon issues which have confronted America. Each program was divided into three parts, one hour each, and incorporated both studio guest experts and listener's call-in comments into the discussion. The guide includes questions for thought, background material, and discussion ideas for each of the following four programs: (1) A Nation of Nations, (2) The Land of Plenty, (3) Certain Unalienable Rights, and (4) A More Perfect Union--The American Government. (Author/DE)

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American Issues Radio Forum Programs 1-4 · Book 1

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To begin with...

This listeners' guide introduces the first four of nine monthly programs in the *American Issues Radio Forum* series broadcast by the member stations of the National Public Radio system. These broadcasts premiere on September 6, 1975 and continue through May 1, 1976. They form a "live" national dialogue focusing upon issues which have confronted America from its beginnings and which will be of continuing concern in future centuries.

The *American Issues Radio Forum* is an important media project in the "American Issues Forum", a national bicentennial program created by the National Endowment for the Humanities in cooperation with the American Revolution Bicentennial Administration.

Each of the nine radio programs in the *American Issues Radio Forum* series seeks to involve you and your neighbors in a national discussion about the nature, the development and the future of our country. Each program will be divided into three parts, one hour each in time, and will incorporate both studio guest experts and call-in comments from listeners into the discussion. Robert Cromie, popular host of public television's "Book Beat" will serve as moderator-host. During the first part of each hour a documentary featuring commentary, readings, music and discussion by the studio guests will be presented. Then members of the radio audience will be invited to use a toll free number to telephone their comments and questions. The *American Issues Radio Forum* can succeed in its aim to provide a truly national dialogue only if you, the listener, *participate*.

Widespread discussion about our country, the questions and lessons of its past and the answers and goals of its future, seems an especially appropriate way to commemorate the founding of our nation. The United States of America was brought forth by the passion of debate as truly as by the sacrifice of war. The Declaration of Independence and the Constitution of the United States were the products of months of discussion by citizens of the new land. As citizens now of the oldest democracy on earth, we have a right and a responsibility to speak out as individuals, secure in the knowledge that our voices will be heard.

NPR hopes that this guide will provide questions for you to think about, background material for you to use, and ideas

to serve as a stimulus for your decision to listen, telephone, and speak.

The topics for the first four programs and their air dates are "A Nation of Nations," (September 6, 1975); "The Land of Plenty," (October 4, 1975); "Certain Unalienable Rights," (November 1, 1975); and "A More Perfect Union"—The American Government (November 29, 1975).

A Nation of Nations

September 6, 1975

Our national motto is *E Pluribus Unum*—out of many, one. The Constitution created one federal system out of thirteen distinct political entities. But the forging of several separate states into one political unit marked only the first of a series of efforts to fashion unity out of diversity. We are a nation of distinctive peoples, regions, and ideologies. These differences of racial and ethnic origin, creed, geography, and political persuasion have sometimes obstructed the achievement of nationhood and at other times have threatened to sever ties that have bound us together. We are in several respects a most improbable nation.

"The Lessons of the Past: Are They Useful for Today?"

Patrick Henry once said, "I know of no way to judge the future but by the past." Henry spoke at a time when America was predominantly a land of small farms. But what is the connection between the yeoman farmers of the eighteenth century and the city dwellers of the 1970s? What can be gained from studying Jefferson's frugal government when we figure the federal budget today in terms of billions of dollars and when each Congressman presently earns four times the entire annual budget of the Jefferson administration? What is the purpose of remembering the America of the 1790s, which was a mere curiosity on the periphery of world affairs, when the America of the 1970s is a leading world power? On the eve of the revolution the American colonies consisted of fewer than three million people who occupied the territory between the Atlantic seaboard and the Appalachian Mountains. What profit can there be now in studying that fledgling nation when today America stretches from

the Atlantic to the Pacific and beyond and is peopled by more than two hundred million? What purpose is there in re-examining a revolutionary war fought by men on foot and on horseback, when America's current arsenal can destroy the entire earth?

We are a nation divided not only in time but over time as well. The persistent forces of diversity in the history of the United States—differences of race, religion, class, region, and even sex—have been complicated by chronological discontinuity. Indeed, ours has been a past of recurrent and increasingly profound generation gaps. Most western countries achieved national identity before the velocity of history increased to the extent that it has in the last two centuries. By contrast, the United States had to achieve its identity in a period of ever-accelerating change. Nations like France and England with pasts that stretch back well into the Middle Ages divide their historical periods in terms of centuries. We divide ours in terms of generations. Since our political revolution coincided with the industrial revolution of the western world, staggering changes have been compressed within the relatively brief history of our nation.

Already by 1876, the time of our Centennial celebration, we had entered a new phase of our history. Who among the patriots of 1776 could have understood inventions like Alexander Graham Bell's new telephone, that were on display at the Philadelphia Exposition of 1876? And who among the visitors to Philadelphia in 1876 could feel at home in our contemporary world of transistors, computers, and laser beams? Since 1876 our citizens have experienced a great quickening of the pace of technological change. President Theodore Roosevelt rode horses in his youth, later travelled by railroad and the great Cunard ocean liners, and still later by automobile. Before his death Roosevelt witnessed the beginning of air travel. His daughter, Alice Roosevelt Longworth, born in the age of the iron horse, has lived to see men walking on the moon. Given the discontinuity of our history, can there be any justification for looking backward? Has our own past completely receded from relevance to our present-day concerns?

"Enmity out of Diversity?"

So time fragments our national experience; but so does our ethnic and racial diversity. In our major cities, in Chicago, in Los Angeles, in New York, within an area of a few square blocks, we can sample egg rolls, tortillas, pizza, crepes, and sauerkraut. We can hear different languages and accents. We can see mosques, synagogues, modest meeting houses, and imposing cathedrals. In our vast hinterland we can discover places that bear distinctive cultural stamps: Amish agricultural villages, Indian pueblos of the Southwest, and small French towns in the Louisiana bayous. Our telephone directories do not only list Smiths, Bakers, and Bartons, but also Schwehns, Goldsteins, Flahertys, Andrettis, Wongs, Kashitanis, Gomezes, Stephanidises, and Podolaks. These many sights, tastes, inflections, and names bear witness to the rich texture of American life.

Succeeding waves of immigrants have shaped America's plural culture. Even the Indians, anthropologists tell us, migrated here from Asia some 40,000 years ago. Our immigrant ancestors came here over the years for different reasons. Some came in groups, hoping to establish utopia, while others came alone hoping to find America a land of economic opportunity. Many came in chains. Some came because they were driven from their homelands by economic and political crises. Thousands fled Ireland in the 1840s because of the potato blight, and thousands more fled Germany in the 1930s to escape Nazi tyranny. Several peoples—Mexicans, Indians, Hawaiians, and Eskimos—became Americans less by choice than by conquest, caught up in the sweep of "Manifest Destiny."

These different peoples once came to America in a broad and steady stream, but after World War I the door that had been open to immigration began to close. Once we required massive immigration in order to populate our expanding industrial society, but we are now a land of two hundred million, a land that has begun to appreciate the critical relationship between population and resources. In the 1850s immigrants made up approximately eight per cent of the population. A century later immigrants comprised only about one percent. Besides the decline in the need for additional population, hostility among various ethnic and racial groups during

the twentieth century resulted in a growing resistance to unrestricted immigration policies. In particular, the dominant northern European group of Americans grew determined to curtail the influx of southern and eastern Europeans in addition to all groups of non-Europeans. Though we have been comparatively hospitable to immigrants at times in our history, we have sometimes expressed a less charitable attitude toward them. The inscription on the Statue of Liberty, that welcomes the "tired and the poor" of foreign lands also refers to them as "wretched refuse."

Not only have Americans opposed newly arrived immigrants, or "foreigners"; citizens identified by their racial and ethnic ancestry have also frequently opposed one another. The use of racial epithets—dago, kike, nigger, spic, chink, kraut, mick, polack—manifests this animosity. Many groups have suffered from job and housing discrimination. The sign "No Irish Need Apply" appeared in many nineteenth-century storefronts. Unemployment among blacks today remains significantly higher than among whites, and discrimination in housing is by no means limited to the black ghetto. Chicanos in Los Angeles live in a ghetto of their own as do Asians in San Francisco and Puerto Ricans in New York. Mixed marriages have troubled American families throughout our history. The prospect of an Irish Catholic woman, for example, marrying a German Protestant man has often caused turmoil within both of the families involved. During World War I many challenged the patriotism of German-Americans, and during World War II excessive fears about national security, aggravated by racial prejudice, resulted in the internment of Japanese-Americans in concentration camps.

"Unity out of Diversity?"

Although both the pace of historical change and the fact of racial and ethnic diversity have fragmented our society, our Pledge of Allegiance proclaims that we are one nation indivisible. Many foreign observers as well as Americans themselves have wondered how this society has managed to cohere in the face of so many obstacles. Some have sought to explain our unity in terms of common conditions peculiar to the American experience. Others have stressed the paradoxically cohesive quality of diversity itself. Still others have argued

that there exists a single norm of behavior to which all American must conform. A body of shared political values is frequently cited as the factor that most unites us. But the question is far from settled: what, if anything, makes us one people?

During the revolutionary period a Frenchman posed a question that has remained pertinent throughout the course of our history. "What is this new man, this American?" Crevecoeur asked. He answered that the American was neither Dutch nor Scotch nor German nor English but rather a fusion of many strains. "In America," Crevecoeur wrote in 1782, "individuals of all nations are melted into a new race of men." This ideal of America as a melting pot antedated Crevecoeur and persists among some to the present day. In the early eighteenth century William Byrd, a distinguished Virginia planter, suggested that racial conflicts could have been prevented during the seventeenth century nad Englishmen intermarried with the Chesapeake Indians. In the twentieth century, Israel Zangwill wrote a play about the immigrant experience in the new land and entitled it *The Melting Pot*.

In addition to his discussion of the biological origins of the American character, Crevecoeur also argued that the American environment made new men of the immigrants—men with personalities and values different from those they had left behind. Following Crevecoeur's lead observers after him have sought to identify those features of the American experience that forged us into a distinctive national type. Many have offered the frontier as our most formative collective experience, an experience that produced character traits such as industry, ingenuity, and individualism. Others have understood the frontier as but one instance of a larger condition peculiar to America—the overwhelming abundance of our natural resources. Abundance has shaped American life in many ways: in creating the myth of unlimited opportunity, in reducing the stridency of class conflict, and in spawning a devotion to materialistic values.

But doubts remain about Crevecoeur's description of America as a melting pot. For one thing he did not take into account the presence of blacks and Indians in the American population. For another, many groups of Americans—the Irish, the Jews,

and most recently the blacks—have from time to time resisted aspects of assimilation in order to strengthen their position in American social and political life. Hence some students of the subject describe America as more a salad bowl than a melting pot. Just as a salad is comprised of many separate elements in order to comprise the whole, so American society is comprised of many distinct peoples. The paradox of the salad bowl description is that it explains the unity of American society as the consequence of its diversity. The presence of such a large number of diverse groups, dispersed over such a large land mass, has made the dominance of any one group over all the others unlikely. America in some measure has owed its political stability to countervailing forces along racial, ethnic, class, and sectional lines.

In contrast to those who have explained our unity in terms of our diversity, others have argued that America has developed a single norm of behavior to which all peoples must conform. We speak a common and distinctive version of the English language. We require our children to attend schools, institutions that transmit a common culture from one generation to the next. A series of civil procedures enforces conformity in many important aspects of life. Our laws have long encouraged certain family arrangements and discouraged others, such as polygamy. Inheritance laws, to take another example, make marriage considerably more profitable than mere cohabitation. Subtle, but powerful informal pressures coerce individuals of all sorts into socially acceptable patterns of behavior. Refusal to serve in the armed forces has resulted in widespread disapproval, as conscientious objectors during the Vietnam War discovered. Millions of American children begin each school day by reciting the Pledge of Allegiance to the Flag. And countless numbers of Americans inaugurate sporting events by singing the National Anthem. Those who refuse to show the expected reverence for these patriotic rituals suffer nearly universal contempt, as incidents at the two most recent Olympiads demonstrated.

Finally, some people have understood American unity in terms of the contractual nature of American society and politics. The United States, the argument goes, has been based upon continuous voluntary

subscription to a set of political principles. Ideals like democracy, equality, and private property have been endorsed by rich and poor, young and old, northerner and southerner, liberal and conservative alike. In short, a unified America has rested upon a profound and pervasive consensus. But if such agreement over fundamental values has existed throughout our history, how can we account for the great and sometime violent struggles that have marked our past? Why did we fight a civil war? Why have we witnessed so many episodes of violent strife between labor and capital? Furthermore, if we must have widespread consent to certain basic values in order to endure as a cohesive society, to what extent can we permit political and social deviancy? Are we now, or have we ever been, a truly tolerant society? Are we in fact slaves to the tyranny of majority opinion? Can we allow great freedom of expression and behavior and still maintain a *United* States? Or must we insist that our citizens either love America or leave it?

The Land of Plenty

October 4, 1975

Like the people who settled it, the land of the United States manifests considerable diversity. The fourth largest country in the world, the U. S. features extremes of geography and climate—the rugged Rocky Mountains, the broad prairies of the central states, the rain forests of the Northwest, the deserts of the Southwest, the frigid tundra of Alaska—that few other nations can match. No other democratic republic in the history of the world has attempted to govern so many people on such a vast and varied domain.

The founding fathers, since they thought in terms of the relatively small European states of the eighteenth century, never imagined that the government they established would some day hold sway over an area of 3,600,000 square miles. Many people in the revolutionary generation doubted that a single republic could successfully manage even the territory covered by the original thirteen colonies. Jefferson once predicted that at least three nations would necessarily emerge from the territory bounded by the Atlantic Ocean, the Great Lakes, the Mississippi River, and the Gulf of Mexico.

"The Cost of National Unity: Ecological Imbalance ?"

The history of this country has revealed that the fears of men like Jefferson were not altogether unfounded. The geographical diversity of the United States has often coincided with various ethnic, religious, and occupational groupings, thereby fortifying sectional conflicts like those that were already present during the constitutional convention of 1787. Europeans enslaved large numbers of Africans in the South, where geography and climate made plantation agriculture possible; in the Northeast, rocky soil and an intemperate climate prevented the development of a slave-based economy. And though slavery ended with the death of the confederacy in the Civil War, the majority of black Americans still live in southern states. Political movements in the U. S. have often expressed regionally based grievances. During the 1890s midwestern and southern agrarians, together with western miners, combined into the Populist Party against the industrial capitalism of the Northeast. Writing at the time of the Populist crusade, Frederick Jackson Turner, an historian especially impressed

with the divisive effects of American sectionalism, described the Northeast, the South, and the West as faint images of separate European states.

But though we have experienced prolonged and often bloody sectional antagonisms, our history also shows, however improbably, the growth of American nationalism. About the time that Turner compared American sections with European states, sectionalism as an active force in American political life had begun to wane (though it has never disappeared entirely). Perhaps the most important factor working to overcome sectional divisiveness has been the unifying effect of technological advances. In Jacksonian America first the canals and then the railroads wed the burgeoning industrial Northeast to America's breadbasket in the Midwest. Even technological improvements that initially seemed to have only a sectional impact, like the cotton gin, turned out in the long run to link different regions together by making them economically interdependent. In our own age a sophisticated national network of communications, particularly television, has so homogenized American culture that such signs of regional identity as distinctive dialects are in the process of disappearing.

Our use of science to bind together a country comprised of different and potentially competing regions illustrates the working of the two-edged sword of modern technological progress. The railroad boom resulted in a surge of natural resource exploitation—the decimation of our forests to supply railroad ties, the often ugly extraction of coal to fuel the locomotives, and the grim process of converting iron ore into steel for rails and engines. Likewise, the profitability of cotton production made possible by the cotton gin encouraged soil exhaustion throughout the South. The availability of the mass media has diminished national aptitudes as important as the reading ability of the nation's children. And the omnipresence of the electronic media has made silence a rare commodity in almost every corner of the United States. In brief, the technical means employed to secure nationality have often created unpleasant and unforeseen ecological problems. Furthermore, the achievement of nationhood ironically led to new difficulties of a specifically regional character. The vast free-trade zone that is America

has tempted every section of the country to intensify the exploitation of its own physical resources. New Englanders have fished the ocean depths off their coast so extensively that they have endangered the natural process of replenishment, and southern and western off-shore oil drilling projects have resulted in oil spills that have jeopardized both the recreational facilities and marine life of both regions.

Currently some states have begun to resist the wanton destruction of their own environment for the sake of national resource requirements. Colorado, for instance, harbors seventy billion dollars worth of coal, a hundred trillion cubic feet of natural gas, and a trillion barrels of shale oil, oil that could not be extracted without great cost to the state's environment. Many Colorado citizens fear that further energy crises will prompt the federal government to ruin their state's beauty for the sake of the country. Richard Lamm, the 1974 Democratic gubernatorial candidate in Colorado, said, "I don't want to suggest that Colorado ought to secede from the union, but Colorado must begin to control its own future rather than to succumb to Washington's plea that the state become a national sacrifice area to provide for the nation's energy needs."

"A country of Unlimited Resources ?"

The depletion of the New England fisheries and the ever-present danger of oil spills have prompted the American people to consider two important facts about themselves and their country. First, sectional and national problems of ecological management have converged. Shortages and environmental difficulties in one area ultimately affect us all. Second, we have forged a nation to some extent upon the assumption of unlimited natural resources. Certainly the gasoline shortage of 1973-1974 compelled Americans to sense temporarily the critical implications of both of these facts. We had stitched the nation together with an elaborate network of superhighways, but could a nation so constituted continue to endure in the face of a scarcity of the fuel required to power trucks and automobiles?

The assumption that unlimited natural resources existed in this country was not inevitable. The Indians who occupied America when the Europeans arrived lived here without such an assumption. They saw man as fundamentally a part of nature

and believed that in preserving the environment they preserved themselves. Within the limits of their technology the Indians were skilled at extracting the maximum from those resources available to them. This skill arose from the native Americans' concern that their resources not be depleted. A classic example of this policy of conservation was the Plains Indians' use of the buffalo. They used its flesh for food, its hide for housing and clothing, its bones for weapons and tools, and its viscera for thread. The Indians used even the buffalos' brains as an agent for softening hides. Prior to the coming of white men onto the Plains, the Indians' husbanding of their buffalo resource was so successful that they deemed an agreement "for so long as the buffalo roam" to be one in perpetuity.

Though the Europeans were careful with their resources before coming here, the abundance of the New World led them to assume erroneously that America's resources were unlimited. That assumption in turn led to carelessness. As early as the 1760s citizens of Philadelphia froze to death for lack of wood, even though their timber resources would have been more than adequate had they been properly husbanded. Whereas the Plains Indians had extensively hunted the buffalo for hundreds of years with no appreciable decline in the buffalo population, fifty years after the white man's incursion onto the Plains, the buffalo had virtually disappeared. Modern consequences of our carelessness with the environment abound. Drinking water, once plentiful, has become increasingly scarce, required ever more sophisticated processes of purification. Many of our cities testify to our tendency to squander space and to create asphalt jungles without provision for natural recreational facilities. Widespread air pollution is a relatively recent but especially ominous problem. The cliche, "I'm going out for a breath of fresh air," has become an anachronism, even a cruel joke, since smog-alert regulations have begun advising us to remain indoors.

"'Conservation is our Last Frontier':

Environmental problems such as air and water pollution have begun to make Americans aware of what Indians long knew – that man and nature live in a delicate balance. Perhaps we have finally discarded

A Slogan for the Future?"

the presumption of unlimited natural resources. If so, a revolution in American thought may be upon us. But unfortunately, a revolution in thought is only a first step. However deep our devotion to environmental protection may become, a series of hard decisions loom before us, decisions whose short-term consequences may seem unsavory. Most of these decisions will force us to choose between maintaining our current lifestyle on the one hand and upgrading environmental quality on the other. Shall we limit the number of people who can camp in our national parks or risk having them permanently ruined by overuse? Shall we limit the use of automobiles or continue to foul our air with pollutants whose long-range consequences we barely understand? Shall we instantly ban the use of aerosol cans, as the state of Oregon has done recently, or take the chance, however remote, of damaging the earth's protective ozone layer?

Within a country like ours which has local, state, and national governments, administrative difficulties can sometimes thwart larger national purposes such as the improvement of our environment. Often there exists an incongruity between the scope of our ecological problems and the reach of those agencies that might be utilized to deal with them. Should the cities of Minneapolis, St. Louis, and Memphis each be allowed to set their own water pollution standards, when their wastes eventually find their way into the water supply of New Orleans? Should public transportation systems that run through several municipalities, like the San Francisco Bay Area Rapid Transit, be approved by each municipality in turn or by the larger communities that they serve? What part, if any, of the responsibility for financing such systems should state and federal governments bear? Must we sacrifice larger and larger measures of local autonomy in order to accomplish effective ecological planning? Will the imperative of environmental conservation create sectional conflicts where there were none before? Will the ecological tasks before us serve a new source of national unity? Or will they serve as a cause of national disintegration, either because of renewed sectional strife or because of the disappearance of the abundance that has in the past helped to bind us together?

Certain Unalienable Rights

November 1, 1975

"We the people of the United States" established a government in order to "secure the Blessings of Liberty to ourselves and our Posterity." Thus we constituted a system of authority so that we might remain free; we tried so to organize our public affairs that we might be more comfortable in our various private pursuits. Since the Constitution of 1787 our government has grown steadily more powerful. Our personal goals have multiplied. We have had difficulty defining the line that separates the sphere of public authority from the sphere of individual freedom. Just as we are a nation of diverse peoples and regions, we are also a nation of divergent interests, opinions, and aspirations—and different definitions of what is fair and just.

During this broadcast we will discuss the problematic role of certain rights in our political heritage. Some of those rights guarantee freedom of expression. Others have defined areas of private action not subject to governmental regulation. Still others assert that every citizen shall be given an equal opportunity to participate in the social, political, and economic life of our country. Have those rights always been effectively honored? Do today's conditions threaten their validity?

"Can we afford unlimited freedom of expression?"

The first amendment to the Constitution states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble and to petition the Government for a redress of grievances." The wording of this amendment seems categorical, but should the rights in the amendment be absolute? Does freedom of worship mean that we should remove the phrase "under God" from our Pledge of Allegiance? The Supreme Court in 1962 ruled that compulsory prayer in our public schools violated the first amendment. Said Justice Black, the First Amendment, "must at least mean that in this country it is no part of the business of government to compose offical prayers for any group of the American people to recite as part of a religious program carried on by government." Or

should we accord equal respect to all religious practices and persuasions? During the Vietnam War a number of *ad hoc* religious groups sprang up and ordained many men as ministers of their newly-founded faiths. These men in turn applied for military deferments on the grounds of their clerical standing. Should their applications have been accepted? Should government decide upon the sincerity or the legitimacy of a given citizen's religious views?

Like freedom of religion, freedom of the press is an ancient issue. As long ago as 1735 the printer Peter Zenger, whose newspaper had critized the colonial governor of New York, found himself brought to trial on charges of seditious libel. Over the years, from colonial times to the present day, war has invariably sharpened the adversary relationship between government and a free press. The Pentagon Papers case of 1971 pitted a government seeking to conceal certain information against a press determined to disclose it. The *New York Times* and the *Washington Post* had published excerpts from the Pentagon's secret history of the Vietnam War. The Nixon administration, pointing to the needs of national security, sought to restrain the two newspapers from continuing to do so. In a landmark decision, the Supreme Court refused to grant the permanent injunction against the *Times* and the *Post*. "Only a free and unrestrained press can effectively expose deception in government," stated Justice Black in his opinion. "Paramount among the responsibilities of a free press," Black continued, "is the duty to prevent any part of the government from deceiving the people." But despite Black's vigorous defense of a free press, the Supreme Court decision in the Pentagon Papers case only begged a series of questions that have bedeviled us throughout our history. Should we tolerate freedom of the press to the point of jeopardizing our national security? Or does that security require censorship in wartime? Who should decide whether the publication of a given item threatens our nation? Should the decision be made before or after publication?

Vehicles for the expression of opinion have multiplied dramatically since the First Amendment was composed—from the pamphlets, broadsides, and fledgling newspapers of the Revolutionary period through

mass circulation newspapers, and now radio, film and television. Hence freedom of expression in a diverse society is a persistent and perhaps increasingly complex problem, assuming new forms with the growing sophistication of the media. Today, fewer than 3 percent of cities with daily newspapers enjoy competing journals. Do those monopoly conditions, as some have charged, effectively stifle free expression? The electronic media pose still other problems. Does the first amendment require that all points of view receive equal air time on our television networks? Currently the Federal Communications Commission regulates television and radio stations through its licensing power. Is this power exercised consistently with the right to free expression?

"Have we surrendered our right to privacy?"

Throughout American history our citizens have invoked certain constitutional provisions to protect themselves from undue social and political interference in their lives. Both the right to manage our property as we wish and the right to personal privacy have been long cherished by the American people. But how much economic individualism can our society tolerate without accepting the considerable social injustice that results from the free play of market forces? To what extent can we maintain privacy in a crowded technological age?

Our Declaration of Independence lists "life, liberty and the pursuit of happiness" as our basic inalienable rights. Most men of the Revolutionary generation, however, would have listed life, liberty, and *property* as their three most important rights. Our jealous regard for property rights has proven a major obstacle to the passage of what is usually called social welfare legislation. During the first quarter of the twentieth century the Supreme Court repeatedly held that welfare measures such as maximum hours laws, minimum wage laws, and child labor laws were unconstitutional because they violated property rights. The Court stated that men should be free to conclude agreements among themselves regarding their labor and property without interference from the state. Critics countered that such freedom was meaningless in the face of the great economic inequalities characteristic of modern industrial life. What use was it

they asked, to insist that both the rich man and the poor man had an equal right to sleep beneath the bridge? Beginning in the 1930s the critics' voices came to be heard more and more, and we have since witnessed the constant growth of a welfare state. Has the price we have paid for social welfare been excessive? Have we so shackled business enterprises in America by specifying the minimum wages they must pay their workers, the amount of pollutants they may discharge, and the safety standards they must honor, that we can no longer reap the benefits of the free market? Furthermore, do all social welfare measures really help the people they were designed to serve? Do minimum wage laws, for instance, result in a higher standard of living, or do they create unemployment?

Just as the increase of public power over our economic activities has provoked sharp controversy, so too has increasing government scrutiny of our private lives. The fourth amendment to the Constitution states,

> The right of the people to be secure in their persons, papers, and effects, against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Since our founders framed this amendment our society has become larger, more mobile, and more complicated. Can we insist upon what Supreme Court Justice Louis D. Brandeis called "the right to be let alone," when our private institutions as well as our government claim the need for a great deal of information from us in order to formulate intelligent policies? Is our privacy worth the risk of crippling our government's chances to apprehend modern-day criminals?

As a prelude to the bicentennial celebration, the governors of the thirteen original states met in Philadelphia on September 5, 1974, to commemorate the two-hundredth anniversary of the first Continental Congress. There they drafted a resolution on the right to privacy, the issue they felt most pressing at the time. They called upon the United States Congress "to take action with respect to the potential threat to personal freedom and the right of privacy by uses and misuses of the col-

lection and dissemination of data concerning or relating to private citizens."

The Governors issued this resolution in the face of several disturbing facts. More than fifty federal agencies have 858 separate data banks containing more than a billion records on individual Americans. Only ten percent of these data banks are specifically authorized by law. More than forty percent of them do not inform the individuals on whom the records are being kept. This staggering accumulation of information on private individuals is by no means limited to governmental agencies. Credit bureaus, insurance companies, schools and universities also collect such information. Prior to the adoption of a bill sponsored by New York Senator James Buckley, much of the information that public and private institutions collect could be legally concealed even from the subjects themselves. The government maintains that administration of public policy would be impossible without data-retrieval systems. But North Carolina Senator Sam Ervin, former chairman of the Senate Judiciary Subcommittee on Constitutional Rights, has warned that "unless we take command of the new technology we may well discover that the machines stand above the laws." Are the blessings of these systems worth the risks to privacy that they entail? Has the national trauma of Watergate really foreclosed the possibility that government officials will use these sources of information for political purposes? Given the impersonality of computer technology, can a person ever escape the consequences of one careless error from his or her past?

In addition to the government agencies that collect information on all American citizens, a surprising number of public institutions engage in covert activities to obtain information on specific individuals. Even the Army and the CIA, whose commissions are to protect us from foreign foes, have spied upon American citizens. Such prominent Americans as Massachusetts Senator Edward Kennedy, New York Congresswoman Bella Abzug, and CBS newsman Daniel Schorr have been subjected to unwarranted government surveillance. The growth of sophisticated electronic technology has made such snooping easy and therefore ominous. So pervasive has the concern over this issue become that Francis Ford Coppola,

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a major American film director, devoted an entire work, *The Conversation*, to the subject of secret surveillance. Several well-publicized incidents in the last decade have led to public fears of spying: the tapping of Martin Luther King's phone by the Kennedy administration, the attempted bugging of Lawrence O'Brien's office at the Watergate, and President Nixon's monitoring of his own brother's telephone conversations. Do threats to national security justify widespread domestic spying? Or was former Senator Ervin correct when he observed "there is not a syllable in the Constitution that gives the federal government the right to spy on its citizens"?

Several intimate aspects of our lives currently remain subject to governmental control. Several states outlaw certain types of sexual conduct between consenting adults. Most states forbid the smoking of marijuana, and all states regulate the sale of alcoholic beverages. Are these laws justified, or should we be permitted to drink, smoke, and love as we please within the confines of our own homes? Until 1965 a Connecticut statute forbade the *use* of birth control devices. The Supreme Court in that year ruled the statute unconstitutional, stating that the right to marital privacy transcends the social interests of the state. Furthermore, Justice Goldberg argued, the ninth amendment to the Constitution established a "zone of privacy" against state and federal action. The framers of the Constitution, according to certain members of the court, believed that other fundamental personal rights, such as the right to marital privacy, exist alongside the rights specifically mentioned in the first eight amendments. But if we multiply the number of personal rights that we seek to protect from government infringement, do we run the risk of making the execution of public policy impossible? Does the state have *no* interest in private behavior?

"Is equal economic opportunity a constitutional right?"

In addition to those rights that protect the individual from social and political interference, other rights exist that insure each person an equal measure of participation in the social, political, and economic life of America. We have been from the beginning a democratic republic. But not until the twentieth century did we secure even basic voting rights for all our citizens. We have long claimed to be a land of equal

economic opportunity, but have we provided all of our citizens with a fair chance for economic advancement? Should we attempt to do so?

Almost every group that populates America has known a period of struggle for political rights. Should we not view our "revolution", therefore, as a continuing phenomenon rather than an isolated event? Of all groups black Americans have surely suffered the longest period of political discrimination. For over two centuries blacks supplied the slave labor for southern agriculture. Though the actual material quality of life under servitude varied widely, the denial of all civil rights and the absence of economic independence was pervasive in slave society. The North abolished slavery fifty years earlier than the South, but blacks in the North have long remained in a condition of second-class citizenship. Not until a hundred years after the Emancipation Proclamation did the American political system begin to secure for black Americans the rights that they had long deserved. In 1954 the Supreme Court held that the separate educational facilities that blacks had known were inherently unequal. This decision inaugurated a process of school desegregation throughout the land, a process whose implementation remains problematic to the present day. How salutary was that decision, we might ask, when both blacks and whites in some quarters vigorously oppose the system of busing that is used to implement it?

The women of America have also had to fight for their civil rights. The same women who did without household conveniences to support the boycotts so important to America's revolutionary effort were excluded from the major political decisions of the period. Not until a century and a half after the Declaration of Independence were women, always America's largest group, granted that most fundamental democratic right, the ballot. Today many women do the same work as men but receive less pay. Furthermore, many women are denied employment solely because of their sex. Less qualified men have long been preferred over women. The Equal Rights Amendment, a measure that would forever outlaw this economic discrimination, still awaits ratification. Given its advantages why do so many women oppose it? Is sexism a more complicated prejudice than

racism? Can we expect legal measures to alter the structure of sex roles in our society?

Any discussion of the achievement of civil rights for non-whites and non-males raises the complicated issue of reverse discrimination. If it is nearly impossible to legislate against prejudice, how can our legal system insure minority groups a better opportunity for social and economic success? Countless businesses in America make the claim "we are an equal opportunity employer." But what does this phrase mean? Does it mean that all persons, regardless of race or sex, will be given equal consideration for jobs? Or does it mean that "affirmative action" programs effectively preclude the hiring of white males?

The problem of defining equal opportunity is by no means confined to the business world. In 1971 a white male, Marco DeFunis, filed suit against the University of Washington for denying him admittance to its law school when thirty-six minority students with lower grades and aptitude examination scores were accepted. Suits like those of DeFunis have challenged the legality of reverse discrimination, arguing that the Fourteenth Amendment outlaws discrimination of whatever variety. Without a doubt some groups have suffered more deprivation than others through our history. New laws can confer rights long unjustly denied. But should the law rectify injustices that some groups have suffered in the past by imposing new injustices upon other groups in the present?

"A More Perfect Union"—The American Government

November 29, 1975

Our government reflects the character of our diverse society. As Supreme Court Justice Oliver Wendel Holmes observed in 1905, "Our Constitution is made for people of fundamentally differing views." Though we have government on the local, county, state, and national levels we want, on this program, to focus upon our national political institutions—the elected branches of government, the non-elected branches of government, and those elements in our political system not specifically mentioned

in the Constitution. Each of the public institutions that we shall discuss serves our society in a different way. The Presidency supposedly represents us all; the Congress represents us as we are divided into our various geographical units; and our political parties represents us as we divide ourselves according to our various political values. There is much disagreement about the overall role of government in America, but most of our people agree that we ought to be a democracy. To what extent have we become and do we remain a democracy 200 years after our political revolution?

Our elected branches of government, the Presidency and the Congress, illustrate the tensions in our society between unity and diversity. All of our people elect the President of the United States. We also elect 435 Representatives and 100 Senators, but we choose them from different districts and states. Can our President really represent all the people? Chief executives from the beginning of our history have claimed to do so. But they have also been the leaders of specific political parties as well. How often have Presidents been torn between national interest and partisan politics? Our Constitution combines certain roles into the office of the Presidency that other republics have kept separate. Our President is the chief executive officer as well as the head of state, the foremost administrative officer as well as the major spokesman and symbol of America. In England these two functions are divided between the Prime Minister and the monarch. In France they are divided between the Prime Minister and the President, who serves as titular head of state. What problems arise in America as the result of melding these two functions into one office? Have we become more tolerant of Presidential excesses than our founding fathers intended? Would impeachment become a more acceptable remedy for executive malfeasance if the President did not symbolize the nation itself? Congressional responsibilities have suffered from confusion of roles as well. Are members of Congress to decide how to vote according to their own best judgment, based upon careful study and debate, or according to the directives of their constituents? Is a Senator's first responsibility to his state, or to the nation?

"Does popular election guarantee democracy?"

Since they had struggled for so long against the British Parliament, our founding fathers, when they wrote the Constitution, feared legislative domination more than they did executive power. Thus they devoted the long first article of the Constitution to a careful circumscription of the powers of the Congress, while they devoted only a few short paragraphs of the second article to limiting the powers of the President. But no sooner had our democratic experiment begun than chief executives began exercising authority unforeseen by the framers of the Constitution. Jefferson, in the purchase of Louisiana, claimed more power than even he believed the Constitution granted. So drastic was the expansion of power under Andrew Jackson that Supreme Court Justice Joseph Story said in 1834, "though we live under the forum of a republic, we are in fact under the absolute rule of a single man." Jackson was widely caricatured by his contemporaries as "King Andrew." During the Civil War Abraham Lincoln ignored several Constitutional provisions in order to save the Union. So vast were his powers that one foreign observer declared that Lincoln "wielded more authority than any single Englishman since Oliver Cromwell."

Wartimes have been the most common occasions for Presidents to assert questionable measures of authority. Lincoln stated the issue of executive power in republican governments during wartime with characteristic precision. "Is there in all republics," he asked, "this inherent and fatal weakness? Must a government of necessity be too strong for the liberty of its own people or too weak to maintain its own existence?" Subsequent Presidents—Franklin Roosevelt during World War II, both Lyndon Johnson and Richard Nixon during the Vietnam War—have vigorously expanded the scope of Presidential power in the name of national security. But did any of these men face a situation so urgent and so perilous as the one Lincoln confronted during the 1860s? Has any threat to the United States since the Civil War been severe enough to warrant the creation of an imperial Presidency?

If their symbolic significance, their increased powers, and the growing urgency of the decisions that confront them make American Presidents less and less accountable to the public, the same should not

rotation of committee assignments or the adoption of a mandatory retirement age for members of Congress produce fresh and creative legislation, or would it merely discard wisdom and expertise for the sake of change?

"Are we ruled by a fourth branch of government?"

A too powerful President and an overworked and ineffective Congress may bode ill for the health of democracy in America. But some critics charge that real political power in our society resides neither in the White House nor on Capitol Hill, but in the non-elected branches of government. We have deliberately isolated both the courts and the federal regulatory agencies from popular control. These institutions enforce regulations, interpret laws, set policy, and discipline offenders—in short they carry on the daily business of government in America. In whose interest do they act? How are they influenced? Are we subject to the tyranny of an invisible government in this country?

The federal judiciary began as the vaguest branch of government. Alexander Hamilton wrote in the *Federalist Papers* "the judiciary is beyond comparison the weakest of the three departments of power." Despite its inauspicious beginnings the court has grown to a position of immense public influence under the leadership of strong and politic Chief Justices from John Marshall to Earl Warren. Nowhere else in the world is there a judicial system with powers parallel to those of our own. Early in the history of the republic, John Marshall established two principles which have remained at the base of our system of justice ever since. In 1803 he asserted in the case of *Marbury v. Madison* that the court had final say on the constitutionality of Congressional legislation. Then in 1819 in *McCullough v. Maryland* he affirmed the ultimate sovereignty of the federal government over the states. In our own time the Warren Court issued a series of decisions involving school desegregation, criminal procedures, and reapportionment that have had staggering social and political consequences. Should nine men so immune from public pressure be permitted to lay down the law of the land?

The Constitution ordained three branches of government—executive, legislative, and

judicial. But we have seen in the twentieth century the steady growth of what some have called a fourth branch of government—the federal bureaucracy. Millions of people staff this "invisible government," many of whom serve regulatory commissions isolated from popular control. How many Americans can name half-a-dozen much less monitor all fifty-four of these regulatory agencies that exercise such authority over their lives? These agencies, such as the Civil Aeronautics Board, the Federal Trade Commission, and the Interstate Commerce Commission are supposed to serve the public interest. But what constitutes the public interest? Can a group of deliberately insulated men and women ascertain the people's interest with any accuracy or consistency?

Interestingly enough the revolutionaries who founded our nation regarded an incipient bureaucracy at the court of George III as a conspiracy against their liberty. They directed much of their ire against the boards and councils that administered the British mercantile system. But the bureaucracy that runs American government today far outstrips any that the eighteenth-century British envisioned. The bulk of this bureaucracy has been created during periods of political reform—during the Progressive period at the turn of this century and during the New Deal period of the 1930s. Reformers have claimed that these agencies serve as guardians of the American people against the abuses of big business, and that they act to protect public policy against the influence of special interest groups.

But many have asked, "who guards the guardians?" Do regulatory agencies serve the public interest or do they further the very interests they were designed to curb? Consider the case of domestic air fares. Fares between states are subject to the regulation of the Civil Aeronautics Board while intrastate fares are not. To fly from San Francisco, California to Los Angeles, California, a distance of 400 miles, a passenger must pay $40 round trip. But to fly from San Francisco to Reno, Nevada, a distance of only 227 miles, costs $62 round trip. Who then benefits from CAB control—the consumer or the airlines?

Keeping abreast of regulatory activities requires time, money, and organization. Unquestionably the American businesses

most subject to the control of regulatory agencies possess all three of these assets. Can the public organize itself to counteract these natural strengths of big business? Will wider public participation in the regulatory decisions rebound to the people's benefit or will the voice of the untutored majority determine the expertise necessary for the formation of sensible public policy?

"Do we need another revolution ?"

Beneath our fears about Presidential power, our criticisms of the Congress, and our frustrations with regulatory agencies, lies a pervasive sense that our political system has become irresponsive to our deepest concerns. Have we lost the democratic drive of our revolution? It is fitting that we consider this question during our bicentennial year. We do seem to have additional democratic instruments besides those provided by the Constitution. Can we use political parties, pressure groups, and mass demonstrations to maintain the health of our democracy?

A slow and unsteady historical process produced the political party system as we know it. Our founders framed the Constitution hoping to check the development of parties, yet they eventually discovered that they could not govern without them. George Washington in his Farewell Address warned his fellow countrymen against "the baneful effects of the spirit of party." Thomas Jefferson feared parties as much as Washington, yet Jefferson paradoxically became the founder of the first modern popular party. Soon after the adoption of the Constitution, parties became fixed in our political life, and we have had during our relatively brief history three major two-party systems and many other parties besides.

Ideally parties formulate responsible political programs, focus and voice popular grievances, elect candidates, and provide an organized source of criticism against the misbehavior of rival parties. But do the Democrats and Republicans accomplish those ends in America? Or do both of our major parties regularly sacrifice responsible and clear-cut political programs in order to secure the fruits of power? Western European states feature electoral competition among several political parties representing a wide range of distinct political alternatives. By contrast two parties domi-

nate our politics, and our most significant political strife takes place within each of the two parties rather than between them. This process produces stability, but does it not also muffle meaningful public debate, and frustrate the presentation of clear choices to the electorate?

A few years ago John Gardner noted that there was a strong current of impatience in America with institutions that were not doing their job. Since he made that observation, Gardner founded Common Cause, a citizens' group designed in Gardner's words to "revitalize the public process by lobbying legislators at all levels of government to reform the political system and solve national problems." In 1970 Ralph Nader encouraged the development of Public Interest Research Groups, comprised of students and other citizens who could investigate areas of critical concern, propose specific actions for the public good, and maintain full-time staffs to work for the implementation of such proposals. Do Common Cause and PIRG represent promising departures from conventional politics in America, or are they the latest in a series of feckless reform efforts within a political system that has grown hopelessly undemocratic?

The last ten years in America have witnessed the widespread use of mass demonstrations to effect political change. The poor people's march, civil rights demonstrations, and massive anti-war rallies testified to the frustration of millions of Americans who had found traditional avenues of political action ineffective. How successful were "the politics of the streets?" Did those who advocated the technique of mass protest prematurely lose faith in our democracy? Or were they correct in suggesting that a majority of Americans "politics as usual" would only prove unavailing?

Estimates of the state of our democracy in this bicentennial year vary a great deal. Hence national self-examination will surely spark controversy. We have partially overcome those obstacles to nationhood that have made union improbable and that once divided us. Will we continue as one nation indivisible? We are a problem-solving people. Will we discover that some of our problems are intractable, permanently rooted in the structure of our society? Can we continue to resolve our difficulties

piecemeal, or do we need another great revolution to recover the spirit of 1776?